

REMARKS/ARGUMENTS

Present Status of Application

Claims 1-9 were previously pending. Claims 10-51 are canceled. With this Amendment, new claim 52 is added, which includes the limitations of original claims 1 and 8. No new matter has been added.

Reconsideration of the application, including claims 1-9 and 52, is respectfully requested.

Claim Rejections - 35 U.S.C. 102

Claims 1 and 5 stand rejected under 35 U.S.C. 102(a) as being anticipated by the applicant's admitted prior art (AAPA). Applicant respectfully traverses the rejections made by the Examiner for the reasons discussed below.

AAPA fail to disclose the contact layer having a wave-shape border

Independent claim 1 specifically recites the contact layer having a wave-shape border in a top view of the LED.

The Examiner's attention is called to AAPA, and Figs. 1 and 2 of the application. As shown in Fig. 1A, AAPA does not disclose the contact layer 55 having a wave-shape border in a top view of the LED 80. The boundary of the contact layer 55 of AAPA is a straight line. The light emitted from the active layer is totally reflected several times by the straight boundary.

As disclosed in Figs. 2A, 3A and 4 of the invention, the contact layer 155 has a wave-shape border in a top view of the LED 180.

AAPA never teaches or suggests the limitation of "the contact layer has a wave-shape border in a top view of the LED" of claim 1.

The wave-shape border of the contact layer 155 of the invention can reduce the possible number of reflections of the light emitted from the active layer, thus making light emitted from the active layer penetrate through the irregular side and be emitted out of the LED 180. The efficiency of emitting the light emitted from the active layer to the outside of the LED is therefore enhanced.

Applicant believes that claim 1 is novel and non-obvious over AAPA since AAPA does not

teach or suggest this limitation.

Claim 5 depends from independent claim 1 and is allowable therewith.

Claim Rejections - 35 U.S.C. 103

Claims 2-4 and 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and further in view of Sugimoto et al. (JP 04061184). This rejection is respectfully traversed.

As Sugimoto et al. still fails to disclose the contact layer having a wave-shape border in a top view of the LED (as recited in claim 1), Applicant believes that these claims (which depend from claim 1) are also novel and non-obvious over AAPA in view of Sugimoto et al. Reconsideration and withdrawal of the 35 USC 103 rejection are respectfully requested.

New claim 52

Applicant submits that new independent claim 52 is novel and non-obvious over the cited references for the reasons discussed below.

The light emitting diode (LED) of claim 52 recites at least one side of a stacked structure at least composed of the active layer and the semiconductor layer of the second polarity has a wave-shape border in a top view of the LED.

Sugimoto et al. and AAPA fail to teach or suggest the limitation of “at least one side of a stacked structure has a wave-shape border in a top view of the LED” of claim 52.

As none of the cited references, when taken alone or in combination, teaches or suggests the feature as set forth in claim 52, it is therefore Applicant’s belief claim 52 is allowable over the cited references.

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CONCLUSION

In view of the foregoing, all of the pending claims (1-9 and 52) are in condition for allowance. A Notice to that effect is respectfully requested. The Examiner is cordially invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate the allowance of this application.

Respectfully submitted,

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